

AO 91 (Rev. 9/01) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

2014 MAR -3 AM 10:13

CLERK-LAS CRUCES

14-632 m

UNITED STATES OF AMERICA

v.

Adrian LOPEZ

Case No.

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 2/27/14 in the county of Luna County in the State and District of  
New Mexico, the defendant violated, 21 U.S.C. § 841 & 952, an offense described as follows:unlawfully, knowingly and intentionally possess with intent to distribute, 80 lbs (36.4 kg), of  
Marijuana a Schedule 1 controlled substance; and knowingly, willfully and intentionally import same from a place  
outside of the United States, to wit, the Republic of Mexico:

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.  
Complainant's signature

Michelle Arriaga

Special Agent

Sworn to before me and subscribed in my presence,

Printed name and title

Date: 3/2/14  
Judge's signatureCity and state: Las Cruces, New MexicoLOURDES A. MARTINEZ  
U.S. MAGISTRATE JUDGE

Printed name and title

**United States of America**

v.

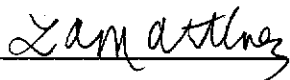
**Adrian LOPEZ**

On Thursday, February 27, 2014, at approximately 1930 hours, subject Adrian LOPEZ applied for entry into the United States at the Columbus, NM Port of Entry as the driver of a white Chevrolet Silverado. A Customs and Border Protection Officer (CBPO) noticed that LOPEZ was overly friendly and very talkative. The CBPO noticed a large propane tank in the bed of the truck. The CBPO attempted to move the tank and noticed that it was extremely heavy compared to other propane tanks. The CBPO then knocked on the bottom of the tank and noticed that it sounded solid. The CBPO then approached LOPEZ and took an oral binding declaration for items acquired while in Mexico in which LOPEZ replied that he had gone to pick up tortillas and to fill the propane for his aunt. The CBPO then referred the vehicle to secondary for a more intense search.


In secondary, CBPOs noticed that the bottom of the tank was covered with fresh mud and bondo. Officers briefly bled the valve of the tank and another CBPO with her canine alerted to an odor emitting from the tank. A CBPO then drove the vehicle through the Z Portal and noticed an anomaly in the tank. The tank was completely emptied and a more intense inspection of the bottom of the tank was conducted. Officers noticed that underneath the scraping of the bondo lay a possible trap door. Officers utilized a hammer and hit the bottom of the tank until the bondo cracked and the trap door opened revealing brick like packages wrapped in brown packaging tape. One of the packages was probed and a green leafy substance was extracted. The substance tested positive for the properties of marijuana. A total of 75 bricks were extracted from inside the tank with a weight of 80 pounds.

Homeland Security Investigations (HSI) Agents were notified of the incident. Upon arrival, HSI Agents examined the tank and proceeded to interview LOPEZ. LOPEZ was advised of his rights as per Government Form-214, which he signed and agreed to answer questions without the presence of an attorney. LOPEZ initially claimed to have no knowledge of the marijuana being present in the tank, but later admitted to knowing that he was committing a crime by transporting drugs. LOPEZ claimed he was forced into transporting the drugs by an individual who contacted him four weeks earlier. LOPEZ was subsequently fingerprinted and transported to the Luna County Detention Facility.

Assistant United States Attorney Alfred Perez was informed of the circumstances regarding the incident and approved federal prosecution for 21 USC 841 and 21 USC 952.



United States Magistrate Judge  
3/2/14



Michelle Arribaga  
Special Agent  
3/2/14